UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:23-cv-00270-MR

SHERROD DAVIDSON,)
Plaintiff,))
vs.)) <u>ORDER</u>
MECKLENBURG COUNTY SHERIFFS DEPT. et al.,))
Defendant.	,))

THIS MATTER is before the Court on review of the docket in this matter.

Pro se Plaintiff Sherrod Davidson ("Plaintiff") filed this action on May 4, 2023, pursuant to 42 U.S.C. § 1983 against Defendants Mecklenburg County Sheriff's Department and Gary McFadden, the Mecklenburg County Sheriff. [Doc. 1]. The Court conducted initial review of Plaintiff's Complaint pursuant to 28 U.S.C. § 1915(e)(2). [Doc. 16]. The Court found that Plaintiff failed to state a claim upon which relief can be granted and allowed Plaintiff thirty (30) days from August 29, 2023, to amend his Complaint in accordance with the terms of the Court's Order. [Id. at 7-8]. The Court advised Plaintiff that if he failed to timely file an amended Complaint, this action would be dismissed

without prejudice and without further notice to Plaintiff. [Id. at 8]. The Clerk mailed Plaintiff a copy of the Court's Order and a blank Section 1983 form the same day to Plaintiff's address of record at the Mecklenburg County Jail in Charlotte, North Carolina. [8/29/2023 (Court Only) Docket Entry]. On September 25, 2023, these documents were returned to the Clerk as undeliverable. [Doc. 17]. The Clerk, therefore, entered a Notice instructing the Plaintiff that he must notify the Clerk of any changes to his address within 14 days of the Notice and that the failure to do so may result in the dismissal of this action. [9/25/2023 Text-Only Notice]. The next day, the Clerk sent the Notice and another copy of the Court's initial review Order and blank Section 1983 form to Plaintiff at the Robert A. Deyton Detention Facility in Lovejoy, Georgia. [9/26/2023 (Court only) Staff note]. The documents have not been returned as undeliverable.

The deadline has passed, and Plaintiff has not notified the Court of his new address.² The Court will, therefore, dismiss this action without prejudice for Plaintiff's failure to prosecute.

¹ The Clerk verified Plaintiff's old address with the U.S. Marshal and learned Plaintiff's new address at the Robert A. Deyton Detention Facility. [9/26/2023 (Court Only) Staff note].

² Plaintiff has also failed to file an Amended Complaint in accordance with the Court's initial review Order.

IT IS, THEREFORE, ORDERED that this action is **DISMISSED** without prejudice.

The Clerk is instructed to terminate this action.

IT IS SO ORDERED.

Signed: November 6, 2023

Martin Reidinger

Chief United States District Judge